

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

CHRISTOPHER KIRCHNER,

Defendant,

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CRIMINAL ACTION NO.

4:23-CR-127-P

ECF

FEDERAL PUBLIC DEFENDER’S MOTION TO WITHDRAW

TO THE HONORABLE U.S. DISTRICT JUDGE MARK PITTMAN:

Christopher J. Weinbel, counsel for Defendant Christopher Kirchner, files this Motion to Withdraw as counsel and shows:

Counsel requests to withdraw as counsel of record for the Defendant in this case. Along with his colleagues, Rachel Taft and Michael Lehmann.

On May 23, 2023, the Court appointed the Federal Public Defender as to this case. On January 25, 2024, Christopher Kirchner was found guilty by a jury in a trial held before the Court. Since that time Mr. Kirchner has represented to his currently appointed counsel, Christopher Weinbel, that he will be retaining the law offices of Alston and Bird for this criminal action. Specifically on the following occasions:

- 1) On March 15, 2024, Rachel Taft and Christopher Weinbel met with Mr. Kirchner at FMC to discuss sentencing strategy. Mr. Kirchner refused to meaningfully discuss anything with the AFPD’s because he would be retaining the services of Alston and Bird.

- 2) On March 27, 2024, Christopher Weinbel met with Mr. Kirchner at FMC to discuss the case and the lack of a letter of representation from the proposed retained counsel. Mr. Kirchner refused to meaningfully discuss the case with Mr. Weinbel because he affirmed his actions in retaining the services of Alston and Bird.
- 3) On April 11, 2024, Christopher Weinbel met with Mr. Kirchner at FMC to discuss the case and the lack of a letter of representation from the proposed retained counsel. Mr. Kirchner refused to meaningfully discuss the case with Mr. Weinbel because he reaffirmed his actions in retaining the services of Alston and Bird.
- 4) On April 19, 2024, Christopher Weinbel and Rachel Taft met with Mr. Kirchner at FMC to discuss the forfeiture proceedings and recently released PSR. Mr. Kirchner refused to meaningfully discuss either item, re-affirming his intent to retain the services of Alston and Bird.
- 5) On April 24, 2024, Christopher Weinbel met with Mr. Kirchner at FMC to discuss the case and the lack of a letter of representation from the proposed retained counsel. Mr. Kirchner refused to discuss the case with Mr. Weinbel because he reaffirmed his actions in retaining the services of Alston and Bird.

Counsel has attempted to discuss this with Alston and Bird with no success. The only correspondence returned from Alston and Bird was on April 1, 2024, and indicated they were not representing him yet on this case but have been retained to represent him on a case in the state of Delaware. It was indicated they planned on representing him on this case once the actions in Delaware finished. Counsel met with Mr. Kirchner on April 11, 2024, to discuss the correspondence from Alston and Bird. Mr. Kirchner refuted this and said they have been working

on this case with him already and have had several conference calls. Counsel has attempted numerous calls and emails to Alston and Bird since that date and received no reply. During one phone call, Counsel talked to a paralegal for Alston and Bird who confirmed a team at Alston and Bird was designated to work on the case.

This withdrawal is not sought for purposes of delay.

Additionally, this withdrawal will not have a materially adverse effect on the Defendants' interests.

Upon conference on May 14, 2024, Counsel for the Government stated it takes no position to this withdrawal motion.

For these reasons, Mr. Weinbel requests that the Court grant this Motion to Withdraw, allow the Office of the Federal Public Defender to withdraw from its representation in this matter, and grant such further relief as the Court deems just and proper.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ Christopher J. Weinbel
CHRISTOPHER J. WEINBEL
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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with AUSA Joshua Detzky and the government is not opposed to this motion.

/s/ Christopher Weinbel
Christopher Weinbel

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2024, I electronically filed the foregoing document using the Court's CM/ECF system, thereby providing service on attorneys of record.

/s/ Christopher Weinbel
Christopher Weinbel